

### **REMARKS**

Claims 1, 3-8 and 10-11 remain in the application. Claim 1 is in independent form.  
Claims 2 and 9 have previously been canceled, and Claim 12 has been withdrawn from further consideration.

#### **Claim Rejections Under 35 U.S.C. § 103**

Claims 1, 3-6 and 10 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Maughan (US 6,042,293), in view of Graham et al. (US 2,635,906).

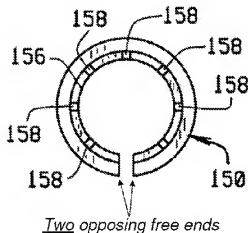
Maughan '293 discloses a low torque ball and socket joint assembly having an annular two piece bearing set 22 comprising an annular outer (lower) bearing 24 and an annular inner (upper) bearing 26. There is no explicit teaching that the upper bearing 26 is made of metal. Rather, the following teaching can be found at column 4, lines 35-41:

Outer and inner bearings 24 and 26 may be formed from a wide range of materials, depending on the individual application and the appropriate internal assembly force retention required during usage. Preferably, bearing set 22 of the present invention is constructed of a semi-rigid plastic material.

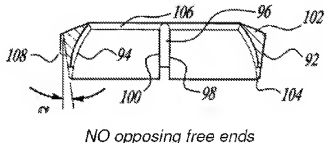
The Office Action suggests that the upper bearing 26 includes a "split segment (96) extending from the inner surface to the outer surface; . . .". (Page 3, line 12.) According to the teaching of Maughan, the so-called split segments 96 are in fact lubrication grooves which align with corresponding lubrication grooves 62 in the lower bearing 24 to provide a continuous lubrication path. (See Column 3, lines 44-52.) Thus, the lubrication grooves 96 in Maughan do not correspond to the Applicants' claimed split segment (160). As shown in the diagrams below, the Applicants' split segment results in two opposing free ends which permit circumferential

flexibility to the annular metal upper bearing 150. By contrast, Maughan's plastic annular upper bearing 26 without a split segment is not circumferentially flexible.

Applicant's Design



US 6,042,293 Maughan



Maughan '293 does not require circumferential flexibility in its upper bearing 26. Rather, because it is made from a plastic material capable of undergoing creep under load, it relies upon the expected relaxation of the materials following in an initial preload condition to achieve optimal performance. This relaxation is expected to occur within 72 hours of assembly. (See Column 4, lines 15-30.)

Accordingly, the Examiner has not cited any example of a prior art reference within the Applicants' field of endeavor which utilizes an annular metal upper bearing having a split segment therein. Accordingly, it is respectfully submitted that the Applicants' claimed invention, as set forth in the amended claim 1, defines subject matter which is neither shown nor disclosed in the prior art, and for which one reasonably skilled in the art would not consider it obvious to construct.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Maughan and Graham et al. as applied to Claims 1, 3-6, and 10 above, and further in view of US Patent No. 3,128, 110 Herbenar.

For all of the reasons stated above, it is respectfully submitted that the dependent claims 7 and 8 are allowable together with base claim 1.

Claim 11 has been rejected under 35 U.S.C. 103(a) as being unpatentable over US Maughan and Graham et al. as applied to claims 1, 3-6, and 10 above, and further in view of U.S. Patent No. 5,116,159 Kern, Jr. et al.

It is respectfully submitted that dependent claim 11 is allowable as being dependent upon an allowable base claim.

#### **Concluding Remarks**

Reconsideration of this application, as amended, is respectfully requested. It is believed that this application is now in condition for allowance. Further and favorable action is requested.

The Patent Office is authorized to charge any fee deficiency or refund any excess to Deposit Account No. 04-1061.

Respectfully submitted,

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